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Examiner A. Stashick**FROM:**  
Byron S. Kuzara**COMPANY:**  
U.S.P.T.O.**DATE:**  
February 14, 2005**FAX NUMBER:**  
703-872-9306**TOTAL NO. OF PAGES:**  
17**RE:**  
U.S. Serial No. 10/053,495**OUR REFERENCE No.:**  
005127.00090*If you do not receive all page(s) or have any problems receiving this transmission, please call:***NAME:** Lesa Wolman**PHONE:** 503-425-6800**COMMENTS:**

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Amendment (14 pages)  
Fee Transmittal (1 page)

Serial No. 10/053,495  
Attorney Docket No. 005127.00090

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2008 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>for FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/053,495
		Filing Date	11/2/01
		First Named Inventor	Mark Cartier, et al.
		Examiner Name	A. Stashick
		Art Unit	3728
<b>TOTAL AMOUNT OF PAYMENT</b>		(\$) 200.00	Attorney Docket No. 005127.00090

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

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Under 37 CFR 1.16 and 1.17

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	—
Design	200	100	100	50	130	65	—
Plant	200	100	300	150	160	80	—
Reissue	300	150	500	250	600	300	—
Provisional	200	100	0	0	0	0	—

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 30 (including Reissues)

Multiple dependent claims

**Total Claims**

23

-25 or HP=

0

x

=

0

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**

4

-3 or HP=

1

x

=

200

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
—	- 100 =	/ 50 =	(round up to a whole number) x	=

**4. OTHER FEE(\$)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

**SUBMITTED BY**

Signature	<i>By: S. Kuzara</i>	Registration No. (Attorney/Agent)	51,255	Telephone	503-425-6800
Name (Print/Type)	Byron S. Kuzara			Date	2/14/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.


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Respectfully submitted,

  
By: Byron S. Kuzan  
Registration Number 51,255  
Banner & Witcoff, Ltd.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>In re</i> Application of	)	
	)	Group Art Unit: 3728
Mark CARTIER, et al.	)	
	)	Examiner: Stashick, A.
Serial Number 10/053,495	)	
	)	Attorney Reference: 005127.00090
Filed: November 2, 2001	)	
	)	
For: FOOTWEAR MIDSOLE WITH	)	
COMPRESSIBLE ELEMENT IN	)	
LATERAL HEEL AREA	)	

**AMENDMENT**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

In response to the Office Action mailed November 17, 2004, please amend the above-captioned application as follows: